

REMARKS

The application has been reviewed and revised in light of the Office Action mailed on February 23, 2005. Claims 1-41 are currently pending in the application, with Claims 1, 17 and 27 being in independent form. By this amendment, Claim 29 has been amended to correct a minor clerical error. No new matter or issues have been introduced by this amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Objection to the Drawings

The drawings were objected to because figures 1a, 1b, 1c could not be viewed. It is respectfully submitted that formal drawings were submitted in a document entitled "Response to Notice to File Corrected Application Papers" dated June 15, 2004. Accordingly, reconsideration and withdrawal of the objection with respect to the drawings is respectfully requested.

Rejection of Claims 1-41 Under 35 U.S.C. § 102

Claims 1-41 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gardiner et al. (US 2003/0062413 A1). The rejection with respect to Claims 1-41 is respectfully traversed.

The Gardiner et al. disclosure is directed to imaging module 10 having illumination light sources 16, 18 with a plurality of LED dies 16, 18 each having an emission wavelength band different from the remaining LED dies [0183]; a color image sensor for analyzing image signals generated by the color image sensor [0188]; and a control circuit 140 configured to decode an image [0184]. "Control circuit 140 can be configured so that if decoding of a bar code fails using a first set of LED die driver signals, control circuit 140

automatically presents a second set of LED die driver signals to LEDs 16 and 16MC, and a third set of LED die driver signals to LEDs 16 and 16MC if a decoding fails a second time and so on until decoding is successful.” Paragraph 0184.

It is respectfully submitted that the subject matter recited by Claims 1-41 is patentably distinguishable from Gardiner et al. Gardiner et al. does not describe a system and method for reading and decoding optical codes, as recited by Applicant’s independent claims. In particular, with respect to independent Claim 1, Gardiner et al. does not disclose or suggest a “a processor for separating said integrated image into said at least two monochrome images and analyzing at least one parameter corresponding to the at least two monochrome images and determining at least one decodable monochrome image; and a decoder for decoding at least a portion of said at least one decodable monochrome image,” as recited by independent Claim 1.

In contrast, the integrated image in Gardiner et al. is decoded without separation into monochrome images. Gardiner et al. states: “Control circuit 140 can be configured so that if decoding of a bar code fails using a first set of LED die driver signals, control circuit 140 automatically presents a second set of LED die driver signals to [multi-color emitting] LEDs 16 and 16MC, and a third set of LED die driver signals to LEDs 16 and 16MC if a decoding fails a second time, and so on until decoding is successful.” Page 18, paragraph 0184. Gardiner et al. does not disclose or suggest separating a multi-color image into monochrome images and analyzing at least one parameter corresponding to the at least two monochrome images and determining at least one decodable monochrome image, as recited by Applicant’s independent Claim 1, and similarly recited by Applicant’s independent Claim 27.

With respect to independent Claim 17, Gardiner et al. does not disclose or suggest “illuminating an optical code on a target surface by emanating a plurality of wavelengths/colors

of light towards the optical code, wherein at least two of the wavelengths/colors of light are different; generating an integrated image of the optical code, said integrated image having at least two monochrome images each corresponding to a respective one of the wavelengths/colors of light; and decoding at least a portion of at least one monochrome image of said at least two monochrome images,” as recited by independent Claim 17.

In contrast, Gardiner et al. describes “control circuit 140 may present to multicolor aimer LED 18MC a [first] set of LED driver signals which result in green light being radiated from aimer LED 18MC. If reader 110 successfully decodes a bar code, control circuit 140 may present a [second] set of LED driver signals to multicolor LED 18MC which result in multicolor aimer LED 18MC radiating red light.” Page 19, paragraph 0190. Gardiner et al. does not disclose or suggest generating an integrated image of the optical code having at least two monochrome images and decoding at least a portion of at least one monochrome image of said at least two monochrome images, as recited by Applicant’s independent Claim 17.

Accordingly, independent Claims 1, 17 and 27 are believed to be patentably distinct over Gardiner et al. Therefore, reconsideration and withdrawal of the rejection with respect to independent Claims 1, 17 and 27 is respectfully requested and allowance of independent Claims 1, 17 and 27 is earnestly solicited.

Dependent Claims 2-16, 18-26 and 28-41 depend directly or indirectly from independent Claims 1, 17 and 27, and therefore include the limitations of independent Claims 1, 17 and 27. Therefore, for at least the same reasons given above for Claims 1, 17 and 27, it is respectfully submitted that Claims 2-16, 18-26 and 28-41 are also believed to be allowable over Gardiner et al.

In addition, it is respectfully submitted that dependent Claims 5, 6, 7, 13, 20, 24, 26, 31, 32, 33 and 39 recite patentable features in their own right. For example, with respect to Claim 5, Gardiner et al. does not disclose or suggest a “position adjustment mechanism configured for moving each of the plurality of light sources,” as recited by Claim 5; “a rotation mechanism for rotating the plurality of light sources,” as recited by Claim 6; and “a display for providing at least one suggestion for acquiring the decodable image,” as recited by Claim 13. Claims 31, 32 and 39 recite features similar to the features recited by Claims 5, 6 and 13 and are therefore patentable for at least the same reasons given for Claims 5, 6 and 13.

Gardiner et al. also does not disclose or suggest “analyzing at least one parameter corresponding to each of the at least two monochrome images and determining at least one decodable image,” as recited by Claim 24. Therefore, reconsideration and withdrawal of the rejection with respect to the dependent claims is respectfully requested and allowance of the claims is earnestly solicited.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-41, are now in condition for allowance. Accordingly, early and

favorable consideration of this application is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's undersigned attorney at the telephone number indicated below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'George Likourezos', written over a horizontal line.

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